

HOUSE BILL NO. 621

INTRODUCED BY T. MANZELLA

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CUSTOM SLAUGHTERING OF LIVESTOCK OR POULTRY; REVISING A DEFINITION; AND AMENDING SECTIONS 81-9-217 AND 81-9-218, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-9-217, MCA, is amended to read:

"81-9-217. Definitions. As used in 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236, the following definitions apply:

(1) "Adulterated" means the term applied to meat if the department provides proof that the meat:

(a) it bears or contains a poisonous or deleterious substance that may render it injurious to health, except that if the substance is not an added substance, the product may not be considered adulterated if the quantity of the substance is insufficient to ordinarily render it injurious to health;

(b) it bears or contains, by reason of administration of any substance to the meat, an added poisonous or added deleterious substance other than a color additive, a food additive, or a pesticide chemical in or on a raw agricultural commodity, any of which may in the board's judgment make the meat unfit for human food;

(c) it is in whole or in part a raw agricultural commodity and bears or contains a pesticide chemical that is unsafe as provided in the Federal Food, Drug and Cosmetic Act;

(d) it bears or contains a food additive that is unsafe as provided in the Federal Food, Drug and Cosmetic Act;

(e) it bears or contains a color additive that is unsafe as provided in the Federal Food, Drug and Cosmetic Act; however, the meat that is not otherwise considered adulterated under subsection (1)(c), (1)(d), or (1)(e) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the article is prohibited by rule of the board;

(f) it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(g) it has been prepared, packed, or held under unsanitary conditions whereby it may have become



1 contaminated with filth or rendered injurious to health;

2 (h) it is in whole or in part the product of an animal, including poultry, that has died otherwise than by
3 slaughter;

4 (i) and its container is composed in whole or in part of any poisonous or deleterious substance that may
5 render the contents injurious to health;

6 (j) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with
7 a regulation or exemption in effect pursuant to 21 U.S.C. 348; or

8 (k) has any valuable constituent ~~has been~~ in whole or in part omitted or abstracted from the meat, any
9 substance has been substituted wholly or in part for meat, damage or inferiority has been concealed in any
10 manner, or any substance has been added to it or mixed or packed with it so as to increase its bulk or weight or
11 make it appear better or of greater value than it is.

12 (2) "Chief" means the chief meat inspector appointed as provided in 81-9-226.

13 (3) "Federal Food, Drug and Cosmetic Act" means 21 U.S.C. 301 through 392, as that law read on
14 October 1, 1987.

15 (4) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules or other equines, and
16 alternative livestock, as defined in 87-4-406, whether alive or dead.

17 (5) "Livestock product" or "poultry product" means a product capable of use as human food that is wholly
18 or partially made from meat and is not specifically exempted by rule of the board.

19 (6) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry products.

20 (7) "Misbranded" means the term applied to meat:

21 (a) if its labeling is false or misleading in any particular;

22 (b) if it is offered for sale under the name of another food;

23 (c) if it is an imitation of a meat product, unless its label bears, in type of uniform size and prominence,
24 the word "imitation" and immediately thereafter the name of the food being imitated;

25 (d) if its container is so made, formed, or filled as to be misleading;

26 (e) if it does not bear a label showing:

27 (i) the name and place of business of the manufacturer, packer, or distributor; and

28 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count.

29 The board may adopt rules exempting small meat packages, meat not in containers, and other reasonable
30 variations.

- 1 (f) if any word, statement, or other information required by 81-9-216 through 81-9-220 and 81-9-226
2 through 81-9-236 to appear on the label is not prominently placed on the label, as compared with other words,
3 statements, designs, or devices in the labeling, and is not stated in terms that render it likely to be read and
4 understood by the ordinary individual under customary conditions of purchase and use;
- 5 (g) if it is represented as a food for which a definition and standard of identity or composition has been
6 prescribed by the rules of the board, unless:
- 7 (i) it conforms to the definition and standard; and
8 (ii) its label bears the name of the food specified in the definition and standard and, if required by the
9 rules, the common names of optional ingredients present in the food, other than spices, flavoring, and coloring;
- 10 (h) if it is represented as a food for which a standard of fill of container has been prescribed by rules of
11 the board and it falls below the standard of fill of container applicable to the food, unless its label bears, in the
12 manner and form that the rules specify, a statement that it falls below the standard;
- 13 (i) if it is not subject to the provisions of subsection (7)(g), unless its label bears:
- 14 (i) the common or usual name of the food, if any; and
15 (ii) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient,
16 except that spices, flavorings, and colorings may, when authorized by the board, be designated as spices,
17 flavorings, and colorings without naming each. To the extent that compliance with the requirements of this
18 subsection (7)(i)(ii) is impracticable or results in deception or unfair competition, exemptions must be established
19 by rules promulgated by the board.
- 20 (j) if it purports to be for special dietary uses, unless its label bears information concerning its vitamin,
21 mineral, and other dietary properties as the board, after consultation with the U.S. secretary of agriculture, by rule
22 prescribes as necessary in order to fully inform purchasers as to its value for those uses;
- 23 (k) if it bears or contains an artificial flavoring, artificial coloring, or chemical preservative, unless it bears
24 labeling stating that fact, provided that to the extent that compliance with the requirements of this subsection (7)(k)
25 is impracticable, exemptions must be established by rules promulgated by the board; or
- 26 (l) if it fails to bear directly on the meat and on its containers, as the board may by rule prescribe, the
27 official inspection legend and establishment number of the establishment where the product was prepared and
28 other information that the board may require to ensure that it will not have false or misleading labeling and that
29 the public will be informed of the manner of handling required to maintain the meat in a wholesome condition.
- 30 (8) (a) "Mobile slaughter facility" means a mobile unit that is operated by a person licensed by the board

1 to slaughter livestock or poultry, that is capable of providing onsite slaughter services for the owner of the
2 livestock or poultry, and at which inspection of the slaughter of livestock or poultry or the preparation of meat food
3 products is regulated under 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236.

4 (b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2).

5 (9) "Official establishment" means an establishment licensed by the board at which inspection of the
6 slaughter of livestock or poultry or the preparation of meat food products is maintained under 81-9-216 through
7 81-9-220 and 81-9-226 through 81-9-236. The term includes a mobile slaughter facility.

8 (10) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" have the
9 same meanings as provided in 21 U.S.C. 321.

10 (11) "Poultry" means any domesticated bird, whether alive or dead.

11 (12) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise
12 manufactured or processed."

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14 **Section 2.** Section 81-9-218, MCA, is amended to read:

15 **"81-9-218. Exemptions -- custom slaughtering.** (1) The following persons are exempt from 81-9-201,
16 81-9-216 through 81-9-220, and 81-9-226 through 81-9-236:

17 (a) a person who slaughters livestock or poultry or prepares or processes livestock or poultry products
18 for the person's own personal or household use; and

19 (b) a person who transports dead, dying, or diseased animals or poultry for the purpose of treatment,
20 burial, or disposal in a manner that would prevent the carcasses from being used as human food.

21 (2) A person engaged in the custom slaughtering of livestock or poultry delivered by the owner for
22 custom slaughter or a person engaged in the preparation of the carcasses and parts and meat food products of
23 the livestock or poultry when slaughtered or prepared for exclusive use in the owner's household by the owner
24 or members of the owner's household or the owner's nonpaying guests or employees is exempt from 81-9-216
25 through 81-9-220 and 81-9-226 through 81-9-236 if the carcasses, parts, or meat food products or containers
26 of the articles are:

27 (a) kept separate from carcasses, parts, or meat food products prepared for sale;

28 (b) plainly marked "Not for Sale" immediately after being slaughtered or prepared and remain plainly
29 marked until delivered to the owner; and

30 (c) prepared and packaged in a sanitary manner and in a sanitary facility.

